

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.91 of 2004

Kalpana Suresh Bhosale .. Applicant

vs.

Shri Suresh Shivram Bhosale .. Respondent

Mrs. Smita Gaidhani, Advocate for the Applicant.

Mr.Yuvraj M.Bolre, Advocate for the Respondent.

CORAM : A.S.OKA, J.

DATED : 1st February, 2005.

P.C. :

1. Office noting shows that the respondent is duly served. On 11.1.2005. the learned Counsel appearing for the respondent appeared and prayed for time. Thereafter the application was heard on 18.1.2005 when the learned Advocate for the respondent was absent.

2. Today, I have heard the learned Counsel appearing for the respondent.

3. The applicant is wife and respondent is

husband. The applicant has filed an application for maintenance under Section 125 of the Code of Criminal Procedure, 1973. The said application is disposed of by the learned Judicial Magistrate, Chiplun, by granting maintenance of Rs.500/- per month. Subsequently, the applicant filed one more application under the same provision of law for grant of maintenance to her daughter. The said application was filed in the Court of the learned Judicial Magistrate, First Class, Chiplun and the respondent appeared in the said application and contested the same.

4. The respondent filed the petition for divorce in the year 1994 against the applicant in the Court of Civil Judge, Senior Division, at Ratnagiri. In the year 1996 the said application was dismissed for default. In the year 2002 the respondent has filed fresh petition for divorce in the Family Court at Bandra, Mumbai. The prayer in this application under Section 24 of the Cr.P.C. is for transfer of the said petition to the Court at Ratnagiri.

5. The ground for transfer is that the applicant is residing in a village in Taluka Chiplun, Dist: Ratnagiri, alongwith her aged parents and minor daughter. The applicant is required to undertake travelling from her village Tiware to Chiplun and from Chiplun she has to reach Mumbai for attending the proceeding in the Family Court. The case is that there is no one in the house who can accompany the applicant to Mumbai. Moreover, the applicant has a minor daughter.

6. Though this application is opposed by the learned Counsel appearing for the respondent, there is no reply filed to this application. The earlier two proceedings filed by the applicant in the Court of Chiplun were contested by the respondent. He himself filed a petition for divorce in the Court at Ratnagiri. Considering the ground in the application, it is apparent that it will be very inconvenient for the applicant wife to attend the proceeding in the Family Court at Bandra, Mumbai.

7. Hence, I pass the following order:

i) The Marriage Petition No.A 1317 of 2002 pending before the Family Court at Bandra, Mumbai, is hereby transferred to the Court of Civil Judge, Senior Division at Ratnagiri.

ii) After the transfer of the petition to the said Court, notice of the date fixed for hearing will be issued to both the parties.

No order as to costs.

The parties and the concerned Court to act on the authenticated copy of this order.

(A.S.Oka, J.)